UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

MARANIE STAAB,

|  |  |  |
|---|---|---|
| | Plaintiff, | **ANSWER** |
| v. | | **WITH DEMAND FOR JURY** |
| | | **TRIAL** |
| THE CITY OF ROCHESTER, et al. | | Case No. 6:22-cv-06063-FPG |
| | Defendants. | |

The City of Rochester by its attorneys Linda S. Kingsley, Esq, and Spencer L. Ash, Esq, *of Counsel*, Answer the Complaint as follows:

1.      City Defendants lack knowledge or information sufficient to form a belief regarding the truth of the allegations in paragraphs 1, 4, 6, 7, 8, 17, 18, 23, 27, 28, 43, 44, 45, 88, 89, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 107, 108, 109, 147, 148, 149, 150 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 198, 199 and 200.

2.      City Defendants deny paragraphs 14, 19, 20, 21, 22, 23, 24, 25, 26, 27, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 46, 47, 48, 49, 50, 51, 53-77, 79-81, 83-87, 90, 91, 92, 93, 105, 106, 110-116, 119-146, 166-221.

3.      City defendants deny paragraphs 2 and 3, except admit that the City of Rochester is a municipal corporation.

4.      City Defendants admit paragraphs 5, 12, 13, and 15.

5.      Paragraphs # 9, 10 and 11 contain legal conclusions not requiring response.

6.      As to paragraph #15; Admit that police conducted a mental hygiene detention of Daniel Prude on March 23 and Daniel Prude died on March 30.  Deny all remaining allegations.

7.      As to paragraph #16; Deny, except admit that there were demonstrations within the City of Rochester following September 2, 2020.

8.      As to paragraphs #29-30; Admit that protestors failed to comply with multiple dispersals orders. Deny remaining allegations.

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9.      As to paragraph #52; Admit the video shows protestors in the middle of a downtown intersection, confronting police and refusing to comply with multiple dispersal orders. Deny remaining allegations.

10.     As to paragraph #78; admit that the City's website includes the quoted language.

11.     Deny the allegations in paragraph #82, except admit that "civil disorder" training and guidelines are intended for "civil disorder" incidents.

12.     As to paragraphs #117-118; Admit that RPD Officers were acting in furtherance of their duties. Deny all remaining allegations.

13.     As to paragraphs #218-219; Admit that RPD Officers were acting in furtherance of their duties. Deny all remaining allegations.

14.     Deny each and every other paragraph.

## FIRST AFFIRMATIVE DEFENSE

15.   The acts or omissions of the individual City Defendants and of any Rochester Police Officers, were not the proximate cause of any of the injuries about which plaintiff complain.

## SECOND AFFIRMATIVE DEFENSE

16.     The plaintiff's injuries and damages alleged in the First Amended Complaint were caused by third parties, not by the City of Rochester or any agent or employee thereof.

## THIRD AFFIRMATIVE DEFENSE

17.     Any force allegedly used by City Defendants did not rise to the level of a constitutional violation and was reasonable and necessary under the circumstances.

## FOURTH AFFIRMATIVE DEFENSE

18.     City Defendants did not violate any clearly established federal right of which a reasonable officer would have known, and are therefore entitled to qualified immunity.

## FIFTH AFFIRMATIVE DEFENSE

19.  Plaintiff fails to establish that any City Defendant was a policymaker for any

policy material to the issues in this suit.

## EIGHTH AFFIRMATIVE DEFENSE

20.  None of the acts of any City Defendant were taken in consideration of or as a

result of any plaintiff's exercise of their First Amendment or other Constitutional rights.

## NINTH AFFIRMATIVE DEFENSE

21.   Punitive damages are not available against the City of Rochester.


**WHEREFORE**, Defendants demand judgment dismissing the Amended Complaint, together
with the costs and disbursements of this action, and such other and further relief as may be just
and proper.


Dated: September 30, 2022                    LINDA S. KINGSLEY, Corporation Counsel

                                             By:
                                             s/_____
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To:    All Counsel of Record, via ECF